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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., & A.J. MADISON,**
Plaintiffs,

v.

PAT ALLEN, in his official capacity as head of
the Oregon Health Authority, **DOLORES
MATTEUCCI**, in her official capacity as
Superintendent of the Oregon State Hospital,
Defendants.

Case No. 3:02-cv-00339-MO (Lead Case)

Case No. 3:21-cv-01637-MO (Member Case)

[PROPOSED] ORDER REQUIRING
DISCHARGE OF DETAINEES AND
DETERMINING SUPREMACY CLAUSE
ISSUES

JAROD **BOWMAN**, JOSHAWN
DOUGLAS-SIMPSON,
Plaintiffs,

Case No. 3:21-cv-01637-MO (Member Case)

v.

DOLORES MATTEUCCI, Superintendent
of the Oregon State Hospital, in her individual
and official capacity, **PAT ALLEN**, Director
of the Oregon Health Authority, in his
individual and official capacity,

Defendants.

THIS MATTER comes before the Court on Plaintiffs' Motion Requiring Marion County to Transport Patients pursuant to my September 2022 order, as modified in July 2023. Dkt. 416; Dkt 273. Having reviewed the papers filed in support of this motion, the Court grants the Plaintiffs' motion. Accordingly, the Court ORDERS the following:

- (1) The Marion County Sherriff's Office shall timely transport patients from the Oregon State Hospital consistent with this Court's September 2022 and July 2023 orders. Dkt. 416; Dkt 273.
- (2) The Court takes JUDICIAL NOTICE that circuit courts throughout the state of Oregon have been holding hearings on whether they are bound by my September 2022 and July 2023 order and that circuit court judges in Marion County have issued orders prohibiting the release of detainees for the purpose of thwarting those orders.
- (3) The Court exercises its powers under the Supremacy Clause of the United States Constitution and ORDERS that the Oregon State Hospital shall continue to implement the length of stay recommendations in the Neutral Expert's June 2022 report as described in my July 2023 order. ECF 416.

- (4) The Court DECLARES that, pursuant to the Supremacy Clause of the United States Constitution, to the extent any contrary state or local law, rule, court order, or constitutional provision directly interferes with or impairs the execution of responsibilities defined by this Court's orders by any person or entity in this proceeding, that law, rule, court order, or constitutional provision is superseded by this Court's orders as superior federal law.
- (5) The Court ORDERS that no person, official, or entity having notice of this order shall interfere in any way with the execution of this order or the Court's related orders (ECF 273, as amended by ECF 416), whether by:
- a. direct interference with the faithful execution of these orders by any person or entity engaged in executing these orders,
 - b. seeking or requesting a court order, administrative order, or other official process that would interfere with the faithful execution of these orders, except through appropriate process in federal court;
 - c. instructing, directing, or ordering another person or entity not to comply with this Court's orders or to undo the effect of this Court's orders,
 - d. issuing instructions, directions, or orders to another person or entity to act or fail to act in a manner that would interfere with or impair the faithful execution of this Court's orders, or
 - e. sanctioning, punishing, or otherwise penalizing any person or entity for failure to comply with an order or directive prohibiting that another person or entity's efforts to comply with this Court's orders.
- (6) This order terminates upon the Neutral Expert reporting to this Court that OSH/OHA has timely discharging A&A patients for at least three consecutive months, and that the termination of this Order would not cause the Defendants to fall back out of compliance.

DATED this _____ day of August 2023 in Portland, Oregon.

Hon. Michael W. Mosman
United States District Judge

Respectfully Submitted by:

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